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Attorneys for Plaintiff
UNITED VAN LINES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT - SAN JOSE BRANCH

UNITED VAN LINES, LLC, a
Limited Liability Company

Plaintiff,

v.

ALAN NOPAR and DOES 1-10,
Inclusive,

Defendants.

Case No.: 5:08 CV 03277-HRL

[Assigned for all purposes to Judge Howard R. Lloyd]

Complaint Filed: July 8, 2008

STIPULATION AND [PROPOSED] ORDER
EXTENDING THE INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DATES

Current Date of ICMC: October 28, 2008

RECITALS

WHEREAS Plaintiff filed its Complaint for collection of outstanding transportation charges on or about July 8, 2008. Prior to service of the Complaint, Plaintiff's counsel was contacted by counsel for Defendant and advised that Defendant had sustained property damage as a result of the move which forms the basis of Plaintiff's Complaint and was withholding payment until the property damage claim could be resolved.

WHEREAS Plaintiff's counsel and counsel for Defendant began settlement discussions to try and resolve both issues without the need of further court

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1 involvement. Due to the ongoing settlement discussions, Plaintiff's counsel held off
2 serving the Complaint on Defendant with the understanding that the parties believed
3 the matter could be resolved with the assistance of a neutral inspection and appraisal
4 of Defendant's property.

5
6 WHEREAS the appraiser agreed to by both parties was not able to complete
7 his inspection of Defendant's property until early September 2008 due to scheduling
8 issues. Nonetheless, the appraiser advised Plaintiff's counsel that the inspection
9 report would be completed prior to the end of September. With receipt of the
10 inspection report, the parties anticipate they will be able to engage in meaningful
11 settlement discussions and resolve the issues which form the subject of Plaintiff's
12 Complaint.

13
14 WHEREAS Plaintiff's counsel forwarded the Summons and Complaint and
15 related documents to counsel for defendant on or about September 24, 2008 along
16 with an Acknowledgment and Receipt given the pending Initial Case Management
17 Conference and other related dates.

18
19 WHEREAS the appraiser notified Plaintiff's counsel on or about September
20 29, 2008, that he had been quite ill for over a week and was still not feeling well on
21 that date and didn't believe he would be able to complete the report until the first
22 full week of October 2008.

23
24 WHEREAS counsel for both parties continue to believe that the inspection
25 report will greatly assist in the resolution of this matter. To that end, counsel have
26 agreed to stipulate to continue the Initial Case Management Conference and related
27 dates, with the court's approval, for a period of 5 weeks to December 2, 2008, or a
28 date thereafter of the court's choosing, to enable the appraiser to complete his report

1 and for counsel and their clients to have a chance to review the report and engage in
 2 settlement negotiations with respect to same.

3
 4 **STIPULATION**

5 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and
 6 Defendant through their respective attorneys of record, and respectfully submitted to
 7 the Court for its approval, an extension of 5 weeks to December 2, 2008, for the
 8 Initial Case Management Conference in this matter. All pending dates would be
 9 continued an additional 5 weeks or to conform with the new Initial Case
 10 Management Conference.

11
 12 DATED: September 29, 2008

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 14 A Professional Law Corporation

15 By: 

16 GREGG S. GARFINKEL
 17 AMY W. LEWIS
 18 Attorneys for Plaintiff
 UNITED VAN LINES, LLC

19 DATED: September 30 2008

20
 21 By: 

22 ROBERT E. PATTERSON
 23 Attorney for Defendant
 24 ALAN NOPAR

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED: The Initial Case Management Conference in this matter is continued from October 28, 2008, to December 2, 2008, at 1:30 p.m. in Courtroom 2. All related dates will be continued an additional 5 weeks pursuant to the Federal Rules of Civil Procedure and the Civil Local Rules.

Dated: 10/14/2008


The Honorable Howard R. Lloyd
United States District Judge

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